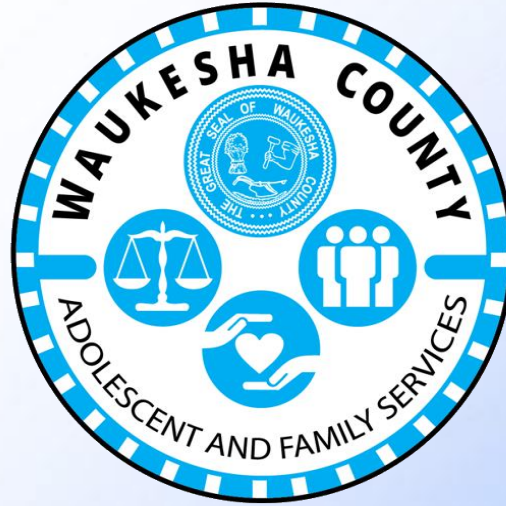
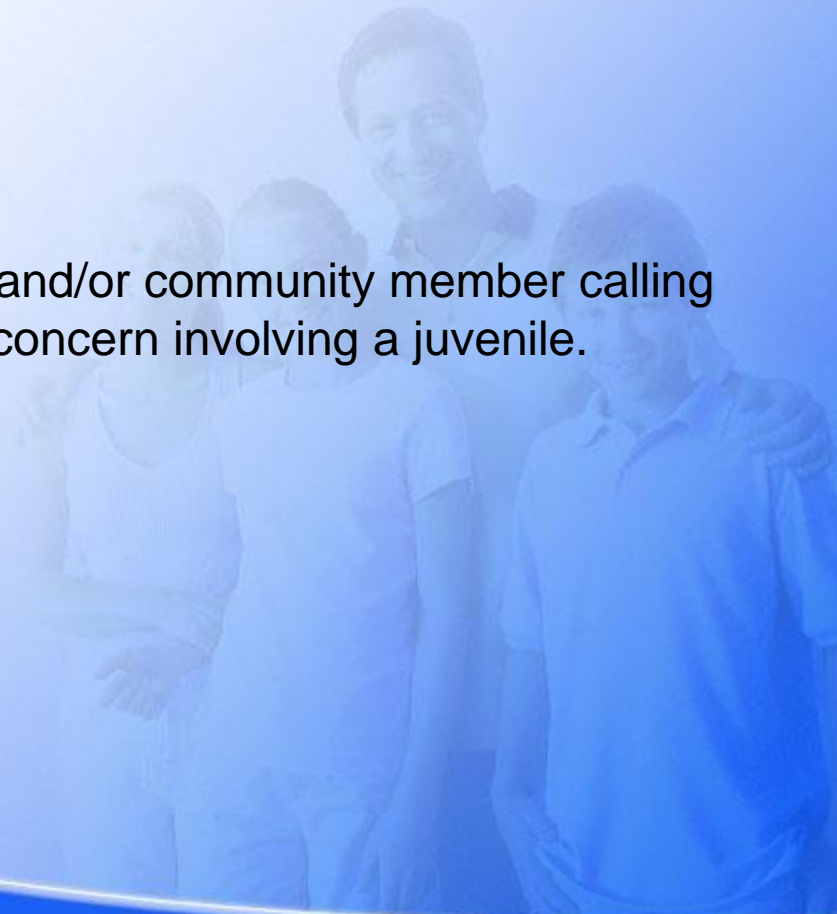


Welcome to Adolescent and Family Services of the Waukesha County Department of Health and Human Services



WAYS IN WHICH YOU COME INTO CONTACT WITH ADOLESCENT AND FAMILY SERVICES

- Juvenile taken into custody
- Voluntary – parent request for services
- School referral – truancy referral
- Law enforcement referral
- Community referral – professional, family and/or community member calling the Department with a verified well-being concern involving a juvenile.



INTAKE PROCESS

Juvenile Intake is responsible for receiving and screening all police department referrals regarding law violations, school truancy referrals and referrals requested by parents or community members, to determine if diversion vs. petitioning to court is appropriate. Diversion means that the juvenile will not be involved in the court system, however the family could still receive services. Juvenile Intake workers review the referrals and make sure that the allegations meet the criteria by statute.

Intake Inquiry:

- **If the juvenile is not in custody:** A notice of intake inquiry is mailed. This is a written notification to a juvenile/parent that a referral has been received by intake. The notice of intake inquiry requests the presence of the juvenile/parent at an intake inquiry conference to discuss the referral.
- **For juveniles in custody:** If the juvenile/child is taken into custody because of a law violation or a safety issue, an interview is conducted to determine if placement is necessary under a temporary custody order or if the child should be returned home. All of Juvenile Intake actions are guided by statute.

POSSIBLE INTAKE RECOMMENDATIONS

(must be approved by District Attorney (DA) or Corporation Counsel)

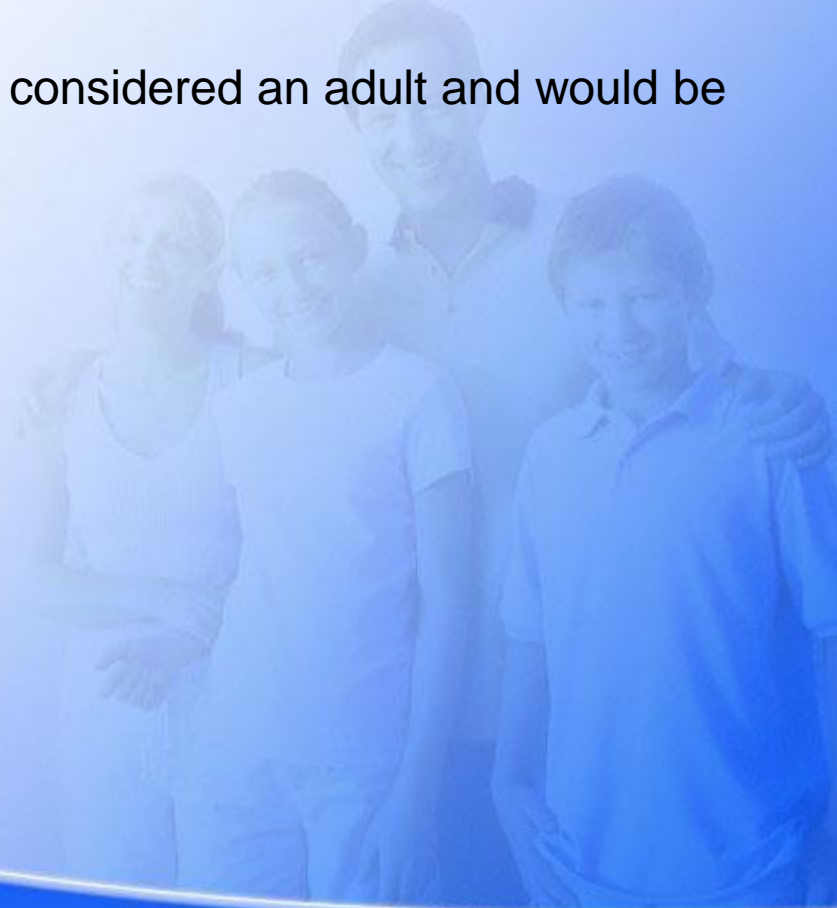
- **Dismiss** – insufficient evidence, lacks jurisdiction to prosecute.
- **Counsel and close** – Intake worker might refer to community based services
- **Voluntary Services** – Case might be open to voluntary services with an ongoing social worker assigned. There is no court involvement.
- **Deferred Prosecution Agreement (DPA)** - Informal contract between juvenile, parent and intake worker, which gives the juvenile numerous conditions they must follow. If fulfilled, juvenile will have no further court involvement. If not completed, a petition could be filed in Juvenile Court.
- **Petition** – Intake worker recommends to the DA or Corporation Counsel that a formal petition be filed in Juvenile Court under a Juvenile in Need of Protection or Services (JIPS) or a Delinquency proceeding.

WHAT JUVENILES MAY BE IN NEED OF PROTECTION OR SERVICES? (JIPS)

- SS 938.13 presents the situations in which Courts have jurisdiction over juveniles in need of protection or services:
- Juveniles whose parent/guardian petition the Court for assistance to control the juvenile (SS 938.13(4))
- Juveniles who are habitually truant from school (schools must first have taken preliminary truancy-resolution actions) (SS 938.13(6))
- Juveniles who are school dropouts (SS 938.13(6m))
- Juveniles who are habitually truant from home and whose situations are brought before the Court by the juveniles or parent/guardian following failed reconciliation efforts (SS 938.13(7))
- Juveniles under age 10 years who have committed delinquent acts (SS 938.13(12))
- Juveniles who have committed delinquent acts but have been determined to be not responsible for those acts because of mental disease or defect or otherwise not competent to participate in Court proceedings (SS 938.13(14))

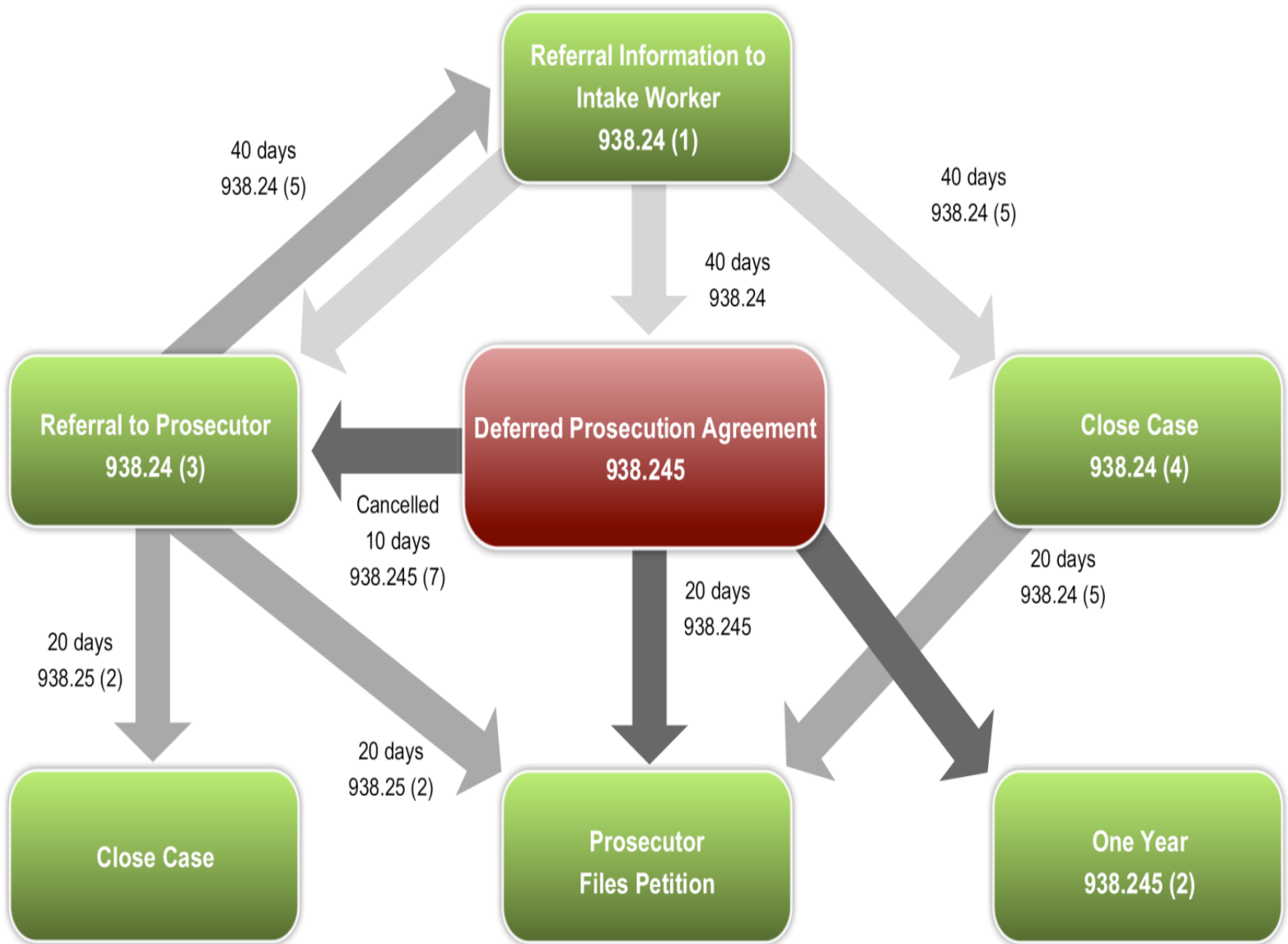
WHAT IS A DELINQUENT ?

- A delinquent is a person who is typically 10-17 years old and commits an act that otherwise would have been charged as a crime if they were an adult.
- In Wisconsin, at age 17 the youth would be considered an adult and would be prosecuted in adult court.



CUSTODY INTAKE PROCESS

- 1(a). If law enforcement or a parent believes that a juvenile should be brought into custody, they will contact Intake regarding the situation requiring custody.
- 1(b). The person making the referral would contact the intake worker to consult and give a “heads up” regarding the circumstances that are believed may make it necessary to take custody. If determined necessary, taking custody would happen via law enforcement.
- 2. In circumstances where it is a youth that will need to be held in secure or non-secure detention law enforcement will contact intake and the decision upon agreement that detention is necessary they will transport.
- In circumstances where custody is necessary but placement will remain in the home (e.g. homebound detention) or placement will be with a safe alternative to parents (e.g. relative, family friend, or foster care.), the intake may be conducted over the phone with either law enforcement or social worker providing the information necessary to complete the Temporary Physical Custody (TPC) request.
- 3. A detention hearing will be scheduled by the intake worker in accordance with statute. Typically a court hearing will happen the next business day of taking custody of the individual. A social worker will contact the parents to guide you to the process following an intake.



JUVENILE COURT PROCESS



JUVENILE COURT VS ADULT COURT

Adult	Juvenile
Arrest	Take into custody or apprehend
Warrant	Capias
Probation	Supervision
Plea of not guilty	Deny the (facts of) petition
Plea of guilty	Admit to the (fact in) petition
Misdemeanor, felony	Delinquent act
Arraignment	Plea hearing
Sentencing	Disposition

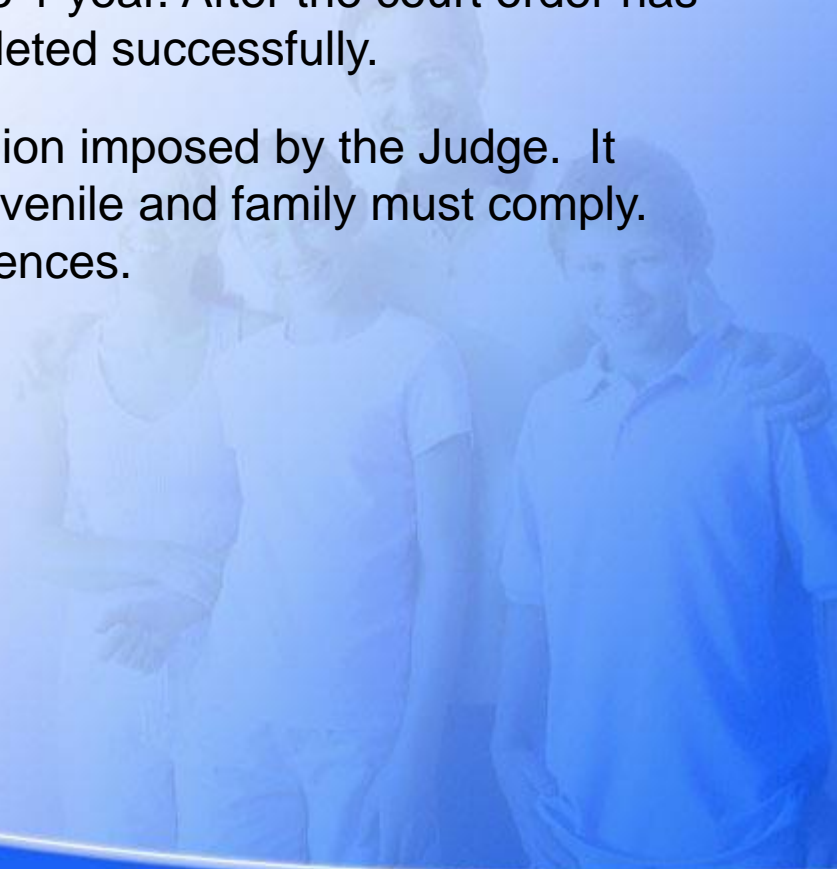
- **Plea Hearing:** Initial court appearance in which the youth and family are advised of their legal rights and informed of reason for court involvement. The juvenile has the right to have an attorney present. Youth along with the attorney admit or deny the allegations in the juvenile court petition. A pre-trial conference date is set.
- **Pre-Trial:** Meeting prior to the fact-finding/adjudication hearing attended by DA (delinquencies) or Corporation Counsel (JIPS), the juvenile's attorney, juvenile's social worker to discuss dispositional alternatives and possible court recommendations. Juvenile and parents may be asked to be part of the conference.
- **Fact-finding:** A hearing in which the Judge determines whether a juvenile is delinquent or in need of protection or services by hearing testimony from all parties. If the Judge determines that the juvenile is delinquent or in need of protection or services, the final hearing/dispositional hearing date will be set or a decision will be made at the conclusion of the fact-finding hearing.

- **Adjudication/Dispositional hearing:** During this hearing the Judge will hear the reports and recommendations of the social worker, attorney and DA/Corporation Counsel. The Judge may have received written reports from other parties, such as psychologists and school personnel, before the hearing. Parents also will be asked their views on the recommendations. After the Judge hears all of the testimony, he or she will begin to list the "findings of fact," and then will decide the disposition of the case. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary. The order may last for up to one year from disposition. This could also be extended by the Court based on the needs of the youth. Parents may be required to contribute to the expenses of services in an amount set according to the law.

DISPOSITIONAL OPTIONS MONITORED BY THE SOCIAL WORKER

Consent Decree: An agreement between the child, parent and court that the child will follow specific rules. Can be for 6 months to 1 year. After the court order has ended, there will be no Juvenile record if completed successfully.

Formal Supervision: A formal order of supervision imposed by the Judge. It consists of specific conditions with which the juvenile and family must comply. Failure to do so could result in further consequences.



COURT-ORDERED OPTIONS



- Homebound detention: Aims to provide in-home alternative to youth who would ordinarily be placed in temporary secure or non-secure custody. Insures youth's accountability and compliance with the court's rules during their home detention to ensure that the rules of the home, school and the community are followed.
- Secure detention: Secure juvenile detention facilities are similar to county jails, although some important differences exist, such as the requirement to provide educational programming. Operated by county staff, these facilities hold juveniles in a secure setting separate from any adult offenders also detained by county authorities. Parents may be required to contribute to the expenses of services in an amount set according to the law.
- Shelter Care - It's a non-secure facility in which the juvenile is placed if found in violation of the rules of the home and or the community and not appropriate for secure detention. The juvenile has the right of a hearing within 24 hours of placement in shelter care. Parents may be required to contribute to the expenses of services in an amount set according to the law.
- Intensive supervision and monitoring of youth
- Temporary physical custody order - <https://docs.legis.wisconsin.gov/statutes/statutes/938/IV/19>
- Electronic monitoring – Restricts a youth's physical mobility in order to support parents and/or as a consequence to the juvenile. A fee is associated with this service.
- Community service hours - <https://docs.legis.wisconsin.gov/statutes/statutes/938/VI/34/5g>

- Out of home placement- foster home, treatment foster home, residential care center, placement with relatives, correctional facility. Parents may be required to contribute to the expenses of services in an amount set according to the law.
- Mediation - This is a dialogue between a crime victim or community member and offender conducted by a trained facilitator, that allows victims to express the impact of the crime and offenders to take direct responsibility for their actions. The process often results in a sense of closure, healing, and an agreement for restitution.
- Monetary Restitution :
<https://docs.legis.wisconsin.gov/statutes/statutes/938/VI/34/5>
- Sanctions – motion filed by the social worker due to a violation of a court order. A sanctions hearing is held and the Judge considers further consequences for violating a condition of the court order.

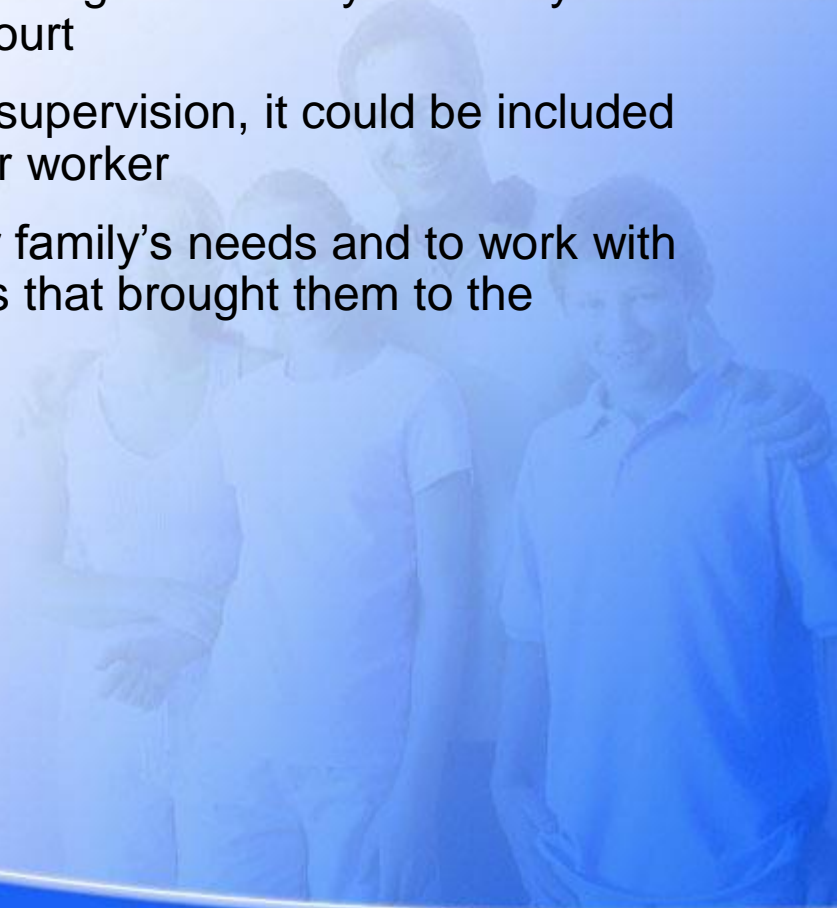
Definitions of Roles in Adolescent and Family



- Dispositional Worker Assigned by the Department of Health and Human Services to make recommendations regarding the disposition of the case, to get to know the family and assess for needs required for the family to stabilize behavior by addressing the factors or behaviors that brought the family to the court process.
- **District Attorney (DA)** An official who is responsible for prosecuting people accused of delinquency acts
- The Corporation Counsel In Waukesha County the Corporation Counsel represent the public in juveniles in need of protections or services (JIPS) and in cases of child abuse or neglect (CHIPS) cases.
- **Public Defender** is a lawyer employed by the government to represent those charged with a crime who cannot afford to hire an attorney. In some states, public defenders also represent people being involuntarily committed to a mental health facility due to mental illness. Public defenders are usually paid by the state or the local county prosecuting the person. You may also acquire the services of a private defender.
- A Guardian ad Litem may be appointed to a youth under age of 12 or who has lower intellectual functioning.

WHY DOES THE WORKER NEED TO MEET WITH YOUR FAMILY?

- To guide you through the Juvenile Court process
- It is necessary to establish a relationship and get to know your family in order to make recommendations for the court
- If you are ordered to be placed on formal supervision, it could be included as part of the disposition to meet with your worker
- To provide resources and support for your family's needs and to work with the family and youth to address the issues that brought them to the attention of the court



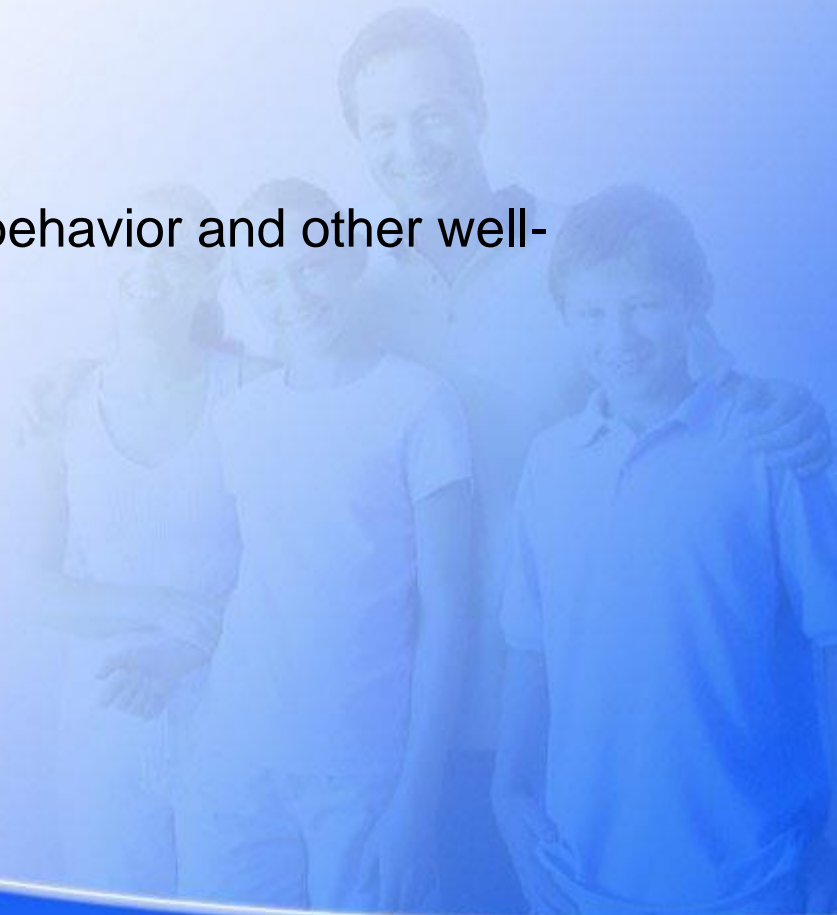
GETTING TO KNOW THE FAMILY: INFORMATION GATHERED AS IT APPLIES TO YOUR FAMILY

- Court information
- Rules of supervision
Recommended
- Detention status
- Placement information
- Family History
- Restitution/Victim information
(to release evidence)
- Behavior at home
- Gang affiliations
- Drug usage
- School performance
- Alcohol consumption
- Previous contact with the law
- Peer interactions
- Employment
- Interest, goals, aspirations
- Family supports
- Community supports



AN ADVOCATE.....

- School liaison
- Connections with resources
- Guide through the court process
- Address concerns regarding safety, behavior and other well-being related consultations
- Resource Allocation



YOUR RIGHTS

- The Right to be represented by an attorney
- Wisconsin State Statutes s. 938.396(2)(a) states that “Records of the court . . . shall not be opened to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction . . .”



CONFIDENTIALITY

Juvenile Court hearings are confidential, unlike the open criminal courts. The work and information shared with your social worker is confidential, it can only be shared in cases of a safety concern to your or others. You may be asked to sign a Release of Information form that allows certain parts of the record to go to other child-serving agencies that will be working with your child and the family. The Court may also issue an order to have certain records and facts released to involved parties. There are some exceptions in which Juvenile Court might not be confidential.

